

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

**Suzlon Wind Energy Corp,**

Debtor.

Chapter 7

Bankruptcy No. 21-07923

Honorable Jacqueline P. Cox

**NOTICE OF AMENDED APPLICATION**

**Please take notice** that, on **Tuesday, July 20, 2021, at 1:00 p.m.**, or as soon thereafter as counsel may be heard, the undersigned attorneys shall appear before the Honorable Jacqueline P. Cox, United States Bankruptcy Judge for the Northern District of Illinois, or any other judge sitting in her place and stead, and shall then and there present the **Trustee's Amended Application to Employ Auctioneer**, a copy of which is hereby served upon you.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

**To appear by video**, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and password.

**To appear by telephone**, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

**Meeting ID and password.** The meeting ID for this hearing is 161 273 2896 and the password is 778135. The meeting ID and further information can also be found on Judge Cox's web page on the court's web site.

**If you object to this motion** and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: July 13, 2021

**Ariane Holtschlag**, not individually  
but as chapter 7 trustee of the estate  
of Suzlon Wind Energy Corp

By: /s/ Justin Storer  
One of Her Proposed Attorneys

Ariane Holtschlag (6294327)  
Justin Storer (6293889)  
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## CERTIFICATE OF SERVICE

I, Justin Storer, an attorney, hereby certify that on July 13, 2021, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Application* and the accompanying *Amended Application* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the appended Service List and by U.S. Mail on all other persons identified on the appended Service List.

/s/ Justin Storer

## SERVICE LIST

### Registrants

(Service via ECF)

<b>Ariane Holtschlag, trustee</b>	aholtschlag@wfactorlaw.com; aholtschlag@ecf.axosfs.com
<b>Patrick S Layng</b>	USTPRegion11.ES.ECF@usdoj.gov
<b>Gerald B. Lurie</b>	glurie@chenlaw-firm.com
<b>Nathan Q. Rugg</b>	Nathan.Rugg@bfkn.com; james.tucker@bfkn.com
<b>David J Schwab</b>	djschwab@rsslawoffices.com; dcasey@rsslawoffices.com; khutchinson@rsslawoffices.com; jnorton@rsslawoffices.com

### Non-Registrants

(Service via U.S. Mail)

**Suzlon Wind Energy Corp**  
8750 W. Bryn Mawr Ave  
Unit 720  
Chicago, IL 60631

**Nicholas W. Laird**  
Barack Ferrazzano Kirschbaum &  
Nagelberg  
200 West Madison St., Suite 3900  
Chicago, IL 60606

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

In re:	Chapter 7
<b>Suzlon Wind Energy Corp,</b>	Bankruptcy No. 21-07923
Debtor.	Honorable Jacqueline P. Cox

**AMENDED APPLICATION TO EMPLOY AUCTIONEER**

Pursuant to 11 U.S.C. §§ 105(a), 327(a), and 328(a), 502 and 503, and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure, Ariane Holtschlag, not individually but solely in her capacity as duly appointed chapter 7 trustee (the “**Trustee**”) of the bankruptcy estate (the “**Estate**”) of Suzlon Wind Energy Corp (the “**Debtor**”), respectfully requests that this Court enter an order, substantially in the form of the order submitted here, authorizing the Trustee to employ David Heath and Heath Industrial Auction Services, Inc. d/b/a American Auction Associates, Inc. (collectively, “**American Auction**”) as her auctioneer/appraiser to sell the Debtor’s Property (as defined below). Such sale will be pursuant to separate order on notice to all parties. In support of this motion (the “**Application**”), the Trustee relies on the Declaration of David Heath (the “**Heath Declaration**”), which is attached hereto as **Exhibit 1**, and states and alleges as follows:

**JURISDICTION**

1. The Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334, and Local Rule 40.3.1(a) of the United States District Court for the Northern District of Illinois.
2. Venue of the above-captioned case (the “**Case**”) and of this Application is proper in this Judicial District pursuant to 28 U.S.C. §§ 1408 and 1409. This

matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(1) and (b)(2)(A) and (O).

### BACKGROUND

3. The Debtor was in the business of installing and maintaining wind turbines.

4. On June 29, 2021 (the “*Petition Date*”), the Debtor filed a voluntary petition for relief under chapter 7 of title 11, United States Code (the “*Bankruptcy Code*”), thereby initiating the Case. Ariane Holtschlag was thereafter appointed as the Case trustee.

5. On the Debtor’s sworn schedule A/B (filed July 13, 2021), the debtor lists interest in, *inter alia*, wind turbine parts and blades, rotors, installation tools, and other assets (collectively, the “*Property*”). The Property will be auctioned at the facilities where it is presently located.

6. American Auction is a fully bonded auctioneer that specializes in the liquidation of bankruptcy assets, such as the Property.

7. As set forth in the Heath Declaration attached as Exhibit 1, to the best of the Trustee’s knowledge, neither Mr. Heath nor any of the principals or employees of American Auction represent or hold any interest adverse to the Trustee or the Estate or otherwise have any connection with the Debtor, the Debtor’s creditors, or any other party in interest in this bankruptcy case or their respective attorneys or accountants.

8. In addition, neither Mr. Heath nor any of the principals or employees of American Auction have any connection with the United States Trustee or any person employed in the office of the United States Trustee.

9. The Trustee will file a separate motion seeking authority for American Auction to sell the property and seeking authority to pay American Auction, as well as reimburse American Auction its expenses.

### **RELIEF REQUESTED**

10. The Trustee respectfully requests that the Court authorize her to employ American Auction as Auctioneer/Appraiser.

11. Subject to approval by the Court, the Trustee and American Auction have agreed that American Auction will be employed on the following terms and conditions:

- a. American Auction will receive a 10% buyer's premium on the sale of the Property payable by the purchasers; and
- b. The Trustee will reimburse American Auction for out of pocket expenses incurred by it in the course of selling the Property.

12. The Trustee will separately seek authority to sell the Property, pay the proposed compensation and reimbursement of expenses to American Auction without further order of Court and to execute such documents and to undertake such other acts as may be reasonable and necessary to consummate the sale of the Property.

13. The predicates for the relief requested herein are 11 U.S.C. §§ 105(a), 327(a), 328(a), 502, and 503, and Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure.

### **BASIS FOR RELIEF**

#### **I. The Trustee should be authorized to retain American Auction.**

14. A trustee may employ, with the Court's approval, one or more professional persons "that do not hold or represent an interest adverse to the Estate, and that are disinterested persons, to represent or assist the trustee in carrying out the trustee's duties under [the Bankruptcy Code]." 11 U.S.C. § 327(a).

15. Section 328(a) of the Bankruptcy Code allows the Trustee, with the Court's approval, to "employ or authorize the employment of a professional person under section 327. . . on any reasonable terms and conditions of employment, including. . . on a fixed or percentage fee basis." 11 U.S.C. § 328(a).

16. American Auction has substantial experience in appraising, marketing, and auctioning retail inventory and equipment, such as the Property, and is well-qualified to assist the Trustee in selling the Property.

17. American Auction is a disinterested party within the meaning of §101(14) of the Bankruptcy Code. *See* Heath Declaration attached as Exhibit 1.

**WHEREFORE**, the Trustee respectfully requests that the Court authorize the Trustee to employ American Auction and grant further relief as this Court may deem appropriate under the circumstances.

Dated: July 13, 2021

**Ariane Holtschlag**, not individually  
but as the chapter 7 trustee of the  
bankruptcy estate of Suzlon Wind  
Energy Corp

By: /s/ Justin Storer  
One of Her Proposed Attorneys

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